

REMARKS

Claims 1-50 were pending in this application. No claims have been added or canceled. Hence, claims 1-50 remain pending in this application.

Claims 9, 23, and 48 and been amended to clarify that the movement patterns include direct movement patterns and evasive movement patterns. Support for the amendments may be found throughout the application in general and at least in paragraph 0079 of the specification.

No new matter was added as a result of the above amendment.

Claim Rejections

The Examiner rejected claims 1-50 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,517,432 (“Jaffe”) in view of The Sims Video Game manual (“the Sims manual”). This rejection is respectfully traversed.

Arguments in Support of the Claims

As an initial matter, Applicant kindly thanks the Examiner for the thorough review of the application and the detailed rejection provided in the Office Action. Nevertheless, Applicant respectfully disagrees that the claimed invention is unpatentable over the combination of Jaffe and the Sims manual based on the foregoing amendments and following remarks and requests withdrawal of the rejection.

The Examiner has not established a prima facie case of obviousness

With regard to independent claims 1, 16, 23, 26, 41, and 48, the Examiner concedes that Jaffe fails to specifically disclose the behavior types and movement patterns of the claimed invention. The Examiner contends, however, that the Sims manual discloses those elements of the

claimed invention, and that it would have been obvious to person of ordinary skill in the art to modify Jaffe with the teachings of the Sims manual to arrive at the claimed invention.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness for the rejection. According to MPEP 2142, a *prima facie* case of obviousness requires the following basic criteria:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. **The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.** In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP 2142, emphasis added.

As can be seen from the above, obviousness requires more than mere possibility. There must also be some type of suggestion or motivation, and the suggestion or motivation must come from the prior art (i.e., not from the Examiner). In the present case, the Examiner contends that it would have been obvious to modify Jaffe with the artificially intelligent characters taught by the Sims manual in order to provide the user with more life-like characters, thereby increasing the entertainment for players, which will result in increased gameplay and hence casino profits. *Office Action, p. 3, last sentence.* However, the Examiner does not identify any teaching in Jaffe or the Sims manual, or any other prior art reference of record, from which this motivation was derived. The Examiner appears to have simply assumed that players would be more entertained by the presence of artificially intelligent characters in a wagering game. Because a motivation was not properly identified in the prior art, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness for the rejection.

The Sims manual does not teach assigning different behavior types

The Examiner contends that the Sims manual, pp. 21-27, teaches assigning different behavior types to various objects, as recited in independent claims 1, 16, 26, and 41. Applicant

respectfully disagrees. The pages cited by the Examiner teach that players may select different moods, personalities, relationships, jobs, and homes for the characters of the Sims video game. However, nowhere could Applicant find where the Sims manual disclosed or suggested selecting different behavior types, as recited in the above independent claims. As explained in the specification in paragraphs 0065-0076, such behavior types may include, for example, stretching, looking around, jumping excitedly, waiting quietly, rocking back and forth, dancing, alternating between waking and looking around, checking his/her watch, and the like. Applicant respectfully submits therefore that the Sims manual does not teach assigning different behavior types. Accordingly, even if there is motivation to combine Jaffe with the Sims manual (which there is not), the resulting combination would not produce the claimed invention.

The Sims manual does not teach assigning different movement patterns

The Examiner contends that the Sims manual, pp. 36-45, teaches assigning different movement patterns to various objects, as recited in independent claims 23 and 40. Applicant respectfully disagrees. The pages cited by the Examiner teach that players may select different skills, daily lives, activities, conversations, and friends and lovers for the characters of the Sims video game. However, nowhere could Applicant find where the Sims manual disclosed or suggested selecting different movement patterns, as recited in the above independent claims. As explained in the specification in paragraph 0079, such movement patterns may include, for example, direct movement patterns, evasive movement patterns, and the like. Applicant respectfully submits therefore that the Sims manual does not teach assigning different movement patterns. Accordingly, even if there is motivation to combine the cited references (which there is not), the resulting combination would not produce the claimed invention.

The Sims manual does not teach direct movement patterns and evasive movement patterns

Nevertheless, in an attempt to expedite the prosecution of this application, Applicant has amended independent claims 23 and 48 to expressly recite that the movement patterns include direct movement patterns and evasive movement patterns. Dependent claim 9 has been similarly amended. Nowhere does Jaffe or the Sims manual disclose or suggest assigning any kind of

movement patterns, much less movement patterns that include direct movement patterns and evasive movement patterns, as recited in the amended claims.

Dependent claims are distinguishable over Jaffe and the Sims manual

As for the dependent claims, although they may recite independently allowable subject matter, these claims depend from independent claims 1, 16, 23, 26, 41, and 48, respectively, and are therefore allowable for at least the same reasons.

CONCLUSION

In view of the above amendments and remarks, Applicant believes pending claims 1-50 are in condition for allowance and the Examiner is respectfully requested to withdraw all rejections and objections and pass this application to issuance.

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Respectfully submitted,

By /Daniel G. Nguyen/

Daniel G. Nguyen

Registration No.: 42,933

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

225 W. Washington, Ste. 2600

Chicago, Illinois 60606-3418

(312) 425-3900

Attorneys For Applicant